

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALEXANDRE PELLETIER, Individually  
and On Behalf of All Others Similarly  
Situated,

Plaintiff,

- v. -

ENDO INTERNATIONAL PLC, RAJIV  
KANISHKA LIYANAARCHCHIE DE  
SILVA, SUKETU P. UPADHYAY, AND  
PAUL V. CAMPANELLI

Defendants.

Hon. Michael M. Baylson

No. 2:17-cv-05114-MB

**RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY  
IN FURTHER SUPPORT OF LEAD PLAINTIFF'S  
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Lead Plaintiff, in response to Defendants' recent Notice of Supplemental Authority In Support of Defendants' Motion to Dismiss, ECF 91, respectfully submits: First, the ruling in *Gamm v. Sanderson Farms, Inc.*, 944 F.3d 455 (2d Cir. 2019), applies only to the second of Lead Plaintiff's two independent theories of falsity (*i.e.*, that Defendants concealed that Endo was engaged in anticompetitive price fixing). Second, *Gamm* does not change the long-held Second Circuit pleading standard that each of that Circuit's District Courts applied to deny motions to dismiss allegations of securities fraud arising from the very same anticompetitive scheme alleged here. ECF 86-1 at 33; *see OTPP v. Teva*, 2019 WL 4674839, at \*15 (D. Conn. 2019) (citing *In re Taro Sec. Litig.*, 2018 WL 4572987 (S.D.N.Y. 2018) and *In re Mylan Sec. Litig.*, 2018 WL 1595985 (S.D.N.Y. 2018)). Finally, Lead Plaintiff's exhaustive allegations meet, if not exceed, this pleading standard. *See* ECFs 66 at 22-30; 89 at 2-5; 89-1 at 33:1-2, 52:2-53:24.

**DATED: January 9, 2020**

Respectfully submitted,

**ELLIOTT GREENLEAF, P.C.**

**BLEICHMAR FONTI & AULD LLP**

/s/ John M. Elliott

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I caused a true and correct copy of the foregoing to be filed using the Court's Electronic Filing System ("ECF System"). The document is available for viewing and downloading via the ECF System, and will be served by operation of the ECF System upon all counsels of record.

Dated: January 9, 2020

**BLEICHMAR FONTI & AULD LLP**

/s/ Joseph A. Fonti

Joseph A. Fonti